

**State Board of Education**  
**March 17, 2009**  
**Item I-2**

**DEPARTMENT OF EDUCATION**  
**Montpelier, Vermont**

**TEAM:** Commissioner's Office

**ITEM:** Will the State Board vote to approve the attached proposed warrant articles for adopting Australian balloting within the Rivendell Interstate School District?

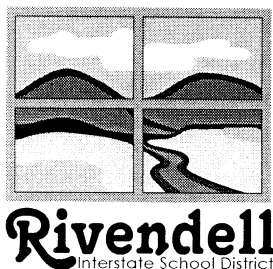
**RECOMMENDED ACTION:** The State Board vote to approve, without recommendation, submittal to the voters of the attached proposed warrant articles for adopting Australian balloting within the Rivendell Interstate School District.

**STATUTORY AUTHORITY:** 16 V.S.A. §§772 D (j) and 779A; Article J of the Rivendell Interstate School District Articles of Agreement

**BACKGROUND INFORMATION:** At the request of some of its voters, the Rivendell Interstate School District board has prepared proposed amendments to the Districts' Articles of Agreement in order to permit Australian ballot voting for all articles coming before the District's electorate. Amendments to an interstate schools district's articles of agreement are to be accomplished in the manner set forth in the original articles of agreement. In the Rivendell Interstate School District's original Articles of Agreement, in particular Article J, proposed amendments are to "be submitted to each State Board for consideration" and, if "approved by each State Board, the text of the proposed amendment shall be included as an appropriate article in the warrant for the annual district meeting." In this instance, the Commissioner believes the question of whether to use the Australian ballot is a legitimate issue to be placed before the Rivendell Interstate School District electorate but also believes the State Board should refrain from making a recommendation either way on the merits of the proposed amendments. The decision on the merits should be left to the sound discretion of the electorate. Approval by the State Board of the forwarding of the proposed articles to the electorate should satisfy the requirements of both the Interstate compact and the original Rivendell Interstate School District Articles of Agreement.

The attached materials provide the text of the proposed amendments as well as background materials.

**STAFF AVAILABLE:** Mark Oettinger, Greg Glennon



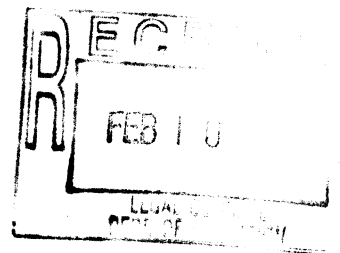
*Rivendell Interstate School District*  
PO Box 153, Orford, NH 03777  
Tel: 603-353-2170 Fax: 603-353-2189  
[www.rivendellschool.org](http://www.rivendellschool.org)

*Gail M. Keiling*  
Head of Schools (Superintendent)

*Janet B. Cole*  
Director of Special Education

February 6, 2009

Mark Oettinger  
General Counsel  
Legal Office  
VT Department of Education  
120 State Street  
Montpelier, VT 05620-2501



Dear Attorney Oettinger:

This year the Rivendell Interstate School District has prepared changes in the Articles of Agreement – specifically to provide for the Australian Ballot process. This was done at the behest of some voters.

As the proposed articles are ready and have been circulated by mail and in the press to voters including changes discussed and requested at a local forum, the Rivendell Interstate School District Board requests that the State Boards of Education in Vermont and New Hampshire consider these changes at their next regularly scheduled meeting. We expect to place these articles on the Warrant for the Annual District Meeting on March 28, 2009.

For your information, these changes have been submitted to you in the past for the Rivendell Annual District Meeting on March 29, 2003, however, the article was not passed by the voters then.

Enclosed is a copy of the proposed amendments (on a public notice), the proposed “Rivendell Australian Ballot Procedures, Appendix A,” and our current Articles of Agreement.

Please call me, if you have questions about these proposed changes. Thank you.

Sincerely,

Gail M. Keiling  
Head of Schools (Superintendent)

Enclosures

cc: Carol Sobetzer, RISD Board Chair

*Fairlee, Vershire, West Fairlee, VT and Orford, NH*



**Rivendell Interstate School District**  
**PUBLIC HEARING**  
**Discussion**  
**on**  
**Proposed Amendments to the Articles of Agreement**

6:30 p.m., Thursday, December 18, 2008  
Samuel Morey Elementary School Gym, Fairlee, VT

Proposed Amendments are:

- Amend the 6<sup>th</sup> sentence of Article C to read as follows: *"The District Elections shall be held each year during the voting phase of the Annual District Meeting and at the same polling places where voting on the article in the warrant takes place."*
- Amend Article T "Conduct of Meetings:"  
*"Voting on all warrant articles including the operating budget article and article votes to authorize the incurring of debt to finance capital projects (bond issues) and on the election of School Board Members, the Moderator, Clerk, Treasurer, and Auditors shall be by secret written ballot according to the document entitled "RIVENDELL PROCEDURES FOR AUSTRALIAN BALLOT" attached to these articles as Appendix A. Except as provided in the Compact or these Articles of Agreement, a simple majority of those present and voting shall carry the vote. The Vermont Open Meeting Law shall be followed in the conduct of all District meetings, School Board meetings, and committee meetings, whether such meetings are held in New Hampshire or Vermont."*
- Amend Article U "Annual Meeting" to read as follows: *"The discussion and voting phases of the Annual District Meeting shall be held at such times as the voters of the Interstate District may determine from time to time at an Annual or Special District Meeting. Unless the School Board determines otherwise, the location of the discussion phase of the Annual District Meeting shall be rotated annually between Fairlee and Orford."*
- The document entitled "Rivendell Australian Ballot Procedures" shall replace the document entitled "Election Procedures" as Appendix A to the Articles of Agreement of the Rivendell Interstate School District.



# Proposed Change in Place of "Election Procedures"

RIVENDELL PROCEDURES FOR AUSTRALIAN BALLOT

## APPENDIX A TO THE ARTICLES OF AGREEMENT OF THE RIVENDELL INTERSTATE SCHOOL DISTRICT

### 1. District Meetings

- a. Each district meeting shall consist of two phases, a discussion phase held on the first meeting day and a voting phase from 7:00 A.M. to 7:00 P.M. on the second meeting day.
- b. The discussion phase shall consist of explanation, discussion and debate of each of the warrant articles. Also during the discussion phase, the reports of the officers and agents of the school district will be received, persons who have provided exemplary service to the district may be recognized and honored, and non-binding "sense of the meeting" votes on relevant matters may be taken.
- c. Voting to fill elected positions and voting on all warrant articles including the operating budget article and articles to incur debt and issue bonds or notes to finance capital projects shall be conducted by secret written ballot as provided in these procedures during the voting phase.

### 2. District Clerk

- a. The school board shall designate an office space with a mailing address to be used by the Interstate District Clerk (the Clerk) for the purpose of performing his/her duties under these procedures.
- b. The Clerk shall designate in writing to the school board the name of one or more assistants to be generally present at the office of the Clerk. The designated assistant(s) acting under the supervision and control of the Clerk shall have the authority to perform the duties of the Clerk under these procedures.

3. Filing Declarations of Candidacy

- a. Elected positions filed by Australian ballot shall be School Board Members, Moderator, Clerk, Treasurer and Auditors.
- b. All candidates for office shall file their declaration of candidacy with the Clerk.
- c. Declarations of candidacy shall be filed on a form supplied by the Clerk in substantially the following form:

"I, \_\_\_\_\_, declare that I reside in the Town of \_\_\_\_\_, and that I am a qualified voter therein; that I am a candidate: *(Check one)*

☐ For the school board of the Rivendell Interstate School District for a \_\_\_\_\_ year term, and I request that my name be printed on the ballot of the Rivendell Interstate School District.

☐ For the office of \_\_\_\_\_ *(indicate whether moderator, clerk, treasurer, or auditor)* and I request that my name be printed on the ballot of the Rivendell Interstate School District.

- d. There shall be no filing fees.
- e. The filing period shall be no earlier than forty-five (45) days before and no later than 5:00 P.M. on the twenty-fifth (25<sup>th</sup>) day before the date of the discussion phase of the annual meeting.

4. Qualification and Registration of Voters

- a. Any resident of the district who would be eligible to vote at a town meeting of Orford, Fairlee, Vershire, or West Fairlee being held at the same time shall be an eligible voter.
- b. Except as provided below, voter eligibility shall be determined from a check list of eligible voters prepared by the Boards of Civil Authority for the Towns of Fairlee, Vershire, and West Fairlee and the Supervisors of the Check List for the Town of Orford.

5. Election Officials

- a. The Interstate District Moderator shall, in coordination with local election officials, have the overall responsibility for supervising election officials, the polling places and voting procedures.

- b. The Moderator shall appoint a sufficient number of qualified voters from each of the member districts to serve as election officials of the Interstate District for each polling place.
- c. Such election officials shall have charge of the polling places under the supervision and control of the Moderator.
- d. The duties of the election officials shall be preparation of the polling place and voting equipment, opening and closing the polls, securing all ballots, maintaining order at the polls, counting the ballots, and otherwise assuring that voting is conducted according to law, the articles of agreement and these procedures.

6. Ballots

- a. There shall be a ballot prepared for each annual and special district meeting presenting all the warrant articles as questions to be voted on (the Questions Ballot).
- b. For each annual meeting there shall also be a separate ballot for each member district for the election of officers (the Election Ballots).
- c. The Clerk shall prepare the ballots and shall cause such number of ballots to be printed as the School Board shall designate.
- d. The Questions Ballot shall be entitled "OFFICIAL QUESTIONS BALLOT FOR THE RIVENDELL INTERSTATE SCHOOL DISTRICT" followed by the date of the voting phase of the meeting and a facsimile signature of the District Clerk who prepared the ballot. Immediately below, the following instructions shall be printed: "Instructions to voters: to vote for or against a question on the ballot, mark a cross (X) or a checkmark (✓) in the yes or no box to the right of the question, or when other options are presented, mark a cross (X) or a checkmark (✓) in the box to the right of your choice."
- e. Each Election Ballot shall be entitled "OFFICIAL ELECTION BALLOT FOR THE RIVENDELL INTERSTATE SCHOOL DISTRICT" followed by the name of the member district where this ballot is to be used, the date of the voting phase of the meeting and a facsimile signature of the District Clerk who prepared the ballot. Immediately below, the following instructions shall be printed: "Instructions to voters: to vote for a person who's name is printed on the ballot, mark a cross (X) or a checkmark (✓) in the square at the right of that person's name. To vote for a person who's name is not printed on the ballot, write the person's name on the blank line in the appropriate block and mark a cross (X) or a checkmark (✓) in the square to the right of that person's name."



- f. On the Election Ballots, each office to be voted upon shall be separately indicated and preceded by the word "For" as: "FOR CLERK." Beneath the office to be voted on shall appear the instructions: "Vote for not more than \_\_\_\_ (the number of candidates to be elected)." The names of the candidates for each office shall be listed in alphabetical order by surname followed by the candidate's town of residence. To the right of the name shall be a box at least 1/4 inch on each side in which the voter may indicate his/her choice by marking a cross (X) or a checkmark (✓).
- g. On the Election Ballots, following the names of the candidates for each office, there shall be as many blank lines as there are persons to be elected to that office. To the left of each such line shall be the words "Write-In" and to the right, a box identical to the boxes which follow the candidates names.
- h. All ballots shall be printed on paper of a weight not less than that of ordinary printing paper. All Question Ballots shall be of the same color and there shall be no impression or mark to distinguish one such ballot from another. Election Ballots may be of a different color from the Questions Ballot and a different color may be used for the Election Ballot for each member district. Otherwise, there shall be no impression or mark to distinguish one Election Ballot for a particular member district from another. The names of all candidates shall be printed in uniform type. The several offices to be voted on may be arranged in one or two columns.
- i. The Clerk shall store the ballots, except for ballots used for absentee voting or as sample ballots, in a secure place until the day of the voting phase of the meeting, at which time he/she shall deliver them in sufficient quantities to the Moderator for distribution to the election officials in each polling place.

7. Warrant Articles

- a. Articles on the Warrant should either be in the form of a question with a "yes" or "no" answer or a request to choose between identified options.
- b. Petitions for articles to appear on the Warrant of the annual meeting may be made as provided in the New Hampshire-Vermont Interstate School Compact (by ten (10) or more voters received at least twenty-five (25) days before the first day of the meeting).
- c. Articles which are validly petitioned shall appear on both the Warrant and the ballot preceded by the words "By Petition."

- d. The school board shall (as in the past) determine the order in which articles are placed on the Warrant. The order of articles on the Questions Ballot shall be the same as the order of the articles on the Warrant.

8. Posting and Publication

- a. The warrant for each district meeting shall specify the date, time and place for the discussion phase of the meeting and the date, voting hours and polling places for the voting phase of the meeting.
- b. The Clerk shall prepare sample Questions Ballots for all district meetings and sample Election Ballots for all annual meetings for posting and publication by marking the words "SAMPLE BALLOT" prominently at the top of the ballots.
- c. For all meetings a sample Questions Ballot and for annual meetings sample Questions Ballots and sample Election Ballots shall be posted at each polling place in the interstate district and shall be published in a newspaper in general circulation in the interstate district prior to the date of the meeting.
- d. The sample ballot(s) with a certificate thereon, verified by oath, stating the time and place when and where the copies of the sample ballot(s) were posted and published, shall be given to the Moderator at or before the date of the meeting and shall be recorded by the Clerk in the interstate district records.

9. Polling Places

- a. Before the warrant is posted, the School Board shall designate at least two polling places within the interstate district.
- b. Each polling place shall be located in a public place within the interstate district, and appropriate measures shall be taken to assure that elderly and handicapped voters may conveniently cast their ballots.

10. Process of Voting

- a. It shall be the duty of the election officials at each polling place, under the supervision of the Moderator, to secure observance of these provisions relating to the conduct of voting.
- b. The polls shall be open at 7:00 A.M. and shall close at 7:00 P.M. on the day of the voting phase of the meeting.

- c. If at the hour of closing, there are any qualified voters at the polling place desiring to vote who have been unable to do so since appearing there, the polls shall be kept open long enough after the hour of closing to allow such persons a reasonable opportunity to vote. A person not present at the hour of closing shall not be entitled to vote, although the polls have been kept open for such purpose.
- d. A person desiring to vote shall announce his/her name, his/her place of residence or present his/her name and residence in writing, or otherwise identify himself/herself by appropriate documentation. The election officials shall then verify that the person's name appears on one of the certified copies of the checklist for the polling place.
- e. If someone challenges a person's right to vote, the election officials present shall immediately hear the facts and decide whether the challenge should be sustained. If the election officials overrule the challenge, the person shall immediately be admitted and permitted to vote. If the election officials sustain the challenge, the person shall not be admitted unless before the polls close, he/she shall obtain a court order directing that he/she be permitted to vote.
- f. A person whose name is not on the check list shall not be allowed to vote unless the election officials at the polling place are able to determine from clear and convincing evidence that the name of a qualified voter has been omitted from the checklist by clerical error or mistake or that the person is a serviceman/servicewoman on leave who is qualified to vote and who, by reason of such service, was not in the town of his/her legal domicile at the time of the last session of the supervisors of the check list or the Board of Civil Authority. If such a person is permitted to vote by the election officials, his/her name shall be thereupon added to the entrance and exit voter checklist.
- g. As each voter is admitted to vote, an election official shall hand him/her the appropriate ballot(s). The election officials shall also answer any question the voter may ask concerning the process of voting.
- h. On receipt of his/her ballot(s), the voter shall forthwith, without leaving the voting area, proceed directly to one of the voting booths and mark his/her ballot(s).
- i. An election official may carry a ballot(s) to a handicapped or elderly person in order to permit that person to mark the ballot(s) while in a motor vehicle adjacent to the polling place.
- j. A person shall not otherwise take or remove a ballot from the polling place before the close of the polls.

- k. If a voter spoils a ballot he/she may obtain another upon returning the spoiled one. If a person fails to use a ballot he/she shall deliver it to an election official before leaving the voting area. Spoiled and such unused ballots shall be immediately cancelled and, together with those ballots undistributed to the voters, shall be preserved and returned to the Moderator in the same manner provided for ballots which have been cast.
- l. A voter who declares that he/she can not read or write or by reason of physical or mental disability is unable to mark his/her ballot(s) shall, upon request, be directed to a booth in which he/she may be assisted in the marking of his/her ballot(s) by an election official. Any election official providing such assistance to a voter shall not in any way divulge any information on how the voter voted.
- m. Before leaving the voting booth, the voter shall fold his/her ballot(s) in the same manner it was folded when received by him/her and shall keep it folded so that the marks on it can not be seen. He/she shall then proceed to the check out table and shall announce his/her name to the election official who shall repeat the name and place a mark beside it on the exit check list. The voter shall then deposit the ballot(s) in the appropriate ballot box(s).
- n. For annual district meetings, each polling place shall have one ballot box for Questions Ballots and a separate box for Election Ballots for each member district voting at the polling place. For special district meetings, each polling place shall have one ballot box for Questions Ballots.

11. Absentee Voting

- a. The Clerk shall designate in writing to the school board the name of each town clerk in the four member districts who agrees to perform the duties set forth below with respect to (1) furnishing applications for absentee voter ballots, (2) receiving applications for absentee voter ballots, (3) furnishing the absentee ballot(s) and envelope when a ballot application has been made, and (4) delivering applications for absentee voter ballots to the Clerk. A town clerk so designated shall have the authority to perform the duties of "Town Clerk" as more particularly described in this section, but shall have no authority to receive the marked ballots of an absentee voter or the envelopes containing the marked ballots of an absentee voter. The term "Town Clerk" as used in this section shall mean a town clerk of a member district who has the authority to perform the duties set forth in this section with respect to absentee voting in his or her town.

- b. A voter who expects to be absent on the date of the election or an authorized person in his/her behalf may apply to the Clerk or the Town Clerk for an absentee voter ballot(s) not later than 12:00 Noon of the day preceding the date of the voting phase of the meeting.
- c. All applications shall be filed with the Clerk or with the Town Clerk. After furnishing an absentee ballot, the Town Clerk shall promptly deliver the application for that ballot to the Clerk and shall deliver all applications to the Clerk not later than 5 p.m. on the day preceding the date of the voting phase of the meeting. The Clerk shall retain the applications for 90 days following the meeting, at which time they may be destroyed.
- d. The application shall be substantially in the following form:

REQUEST FOR ABSENTEE VOTER BALLOT(S)

Name of absentee voter: \_\_\_\_\_  
Current Address: \_\_\_\_\_  
Residence (if different): \_\_\_\_\_

If applicant is other than absentee voter:

Name of applicant: \_\_\_\_\_  
Address of applicant: \_\_\_\_\_

Relationship to absent voter: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

- e. If the Clerk or the Town Clerk finds an application for an absentee voter ballot to be invalid or incomplete, he/she shall immediately notify the person making the application, either personally or by mail, stating the ground on which the same is found to be invalid. The application shall not be valid until corrected and returned to the Clerk or the Town Clerk.
- f. A voter who expects to be absent on the date of the election may apply in person to the Clerk or the Town Clerk and receive in hand the absentee ballot(s) and envelope rather than having them mailed. In such case, the Clerk or the Town Clerk shall furnish the absentee ballot(s) and envelope when a valid application has been made.
- g. Absentee ballots shall be the same as the official ballots to be used at the voting phase of the meeting.

- h. Unless the absentee voter is furnished in hand the ballot(s) in the Clerk's office or the Town Clerk's Office, the Clerk or the Town Clerk shall mail the absentee ballot(s) to each absentee voter for whom a valid application has been filed. The absentee ballot(s) shall be mailed to the absentee voter forthwith upon the filing of a valid application, or upon the Clerk's receipt or the Town Clerk's receipt of the necessary ballots, whichever is later. The ballot(s) shall not be furnished to a person filing an application on behalf of the absentee voter.
- i. The Clerk or the Town Clerk shall send or furnish with all absentee ballots and envelopes printed instructions, which may be included in the envelope, in substantially the following form:

INSTRUCTIONS FOR ABSENTEE VOTERS

1. Mark the ballot(s).
2. Seal it/them in the envelope.
3. Fill out and sign the certificate on the envelope.
4. Mail or deliver the sealed envelope containing the ballot(s) to the Rivendell Clerk in time to arrive no later than the date upon which the polls are open.

- j. There shall be printed on the face of the envelope provided for use in returning absentee ballots a certificate in substantially the following form:

Absentee Vote Ballot(s) of \_\_\_\_\_ (print your name).

I solemnly swear that I am a duly qualified voter of the Town of \_\_\_\_\_; that I am unable to vote in person by reason of illness, injury, physical disability, religious principle, military service, or necessary absence from my town of residence during the hours the polls are open; that I have carefully read the instructions forwarded to me with the ballot(s) herein enclosed; and that I personally marked the within ballot(s) and enclosed and sealed it/them in this envelope.

(Signature) \_\_\_\_\_

- k. From the valid applications, the Clerk shall compile a list of absentee voters. The list shall include each absentee voter's name and address and such other information as the Clerk may deem necessary or advisable.
- l. Upon receipt of an envelope containing the marked ballot(s) of an absentee voter, the Clerk shall record the fact on the list of absent voters and safely keep the envelope, unopened, until the day of the election. During the hours polls are open, the Clerk shall deliver the envelope to the Moderator for distribution to the election officials in the polling place where the absentee voter would have voted if he/she had voted in person.

- m. A copy of the list of absentee voters shall be posted in each polling place prior to the opening of the polls and shall remain posted until the polls are closed. When envelopes containing marked ballots are received after the list is posted, that information shall be added promptly to the list.
- n. Upon receipt of the absentee voter's ballots, the election officials shall examine the check list and ascertain that the absentee voter is qualified to vote, that he/she has not already voted in person and that the certificate is properly filled out. When the election officials are satisfied that these conditions have been complied with, they shall open the envelope containing the ballot(s), and without unfolding the ballot(s), shall have the proper election official place a mark on the entrance and exit checklist indicating the fact that the voter has voted by means of an absentee voter ballot(s), and shall deposit the ballot(s) in the ballot boxes. Such absentee ballots shall be commingled with the ballots of voters who have voted in person, and thereafter be treated as those ballots are treated.
- o. If upon examination by election officials it shall appear that the absentee voter is not legally qualified to vote, or has voted in person or that the affidavit on any envelope is insufficient, such envelope shall be marked "Defective," and the ballot(s) inside shall not be counted and shall be returned in the unopened envelope to the Moderator.
- p. Any person who in good faith has received an absentee ballot(s) for his/her use but has not yet marked it, if he/she finds that he/she is able to vote in person, may cast the absentee ballot(s) by returning it to the Clerk in the manner provided above, or may vote in person after returning the unmarked ballot(s), together with the envelope intended for its return, to the election officials at the time the voter appears to vote in person. The election officials shall make a record of its return on the list of absent voters posted at the polling place and shall return the unused absentee ballot(s) and envelope to the Moderator, who shall treat it as a spoiled or unused ballot(s).
- q. Absentee ballots received by the Clerk after the closing of the polls shall not be counted. Such ballots shall be retained by the Clerk unopened until the time set for the destruction of other ballots at which time the envelope shall likewise be destroyed unopened and unexamined.

## 12. Counting of Votes

- a. The ballot boxes from each of the member districts shall not be opened nor the ballots counted before the closing of the polls.
- b. When the hours set for voting have expired, the election officials shall publicly announce that the polls are closed. They shall then ensure that all persons who are not election officials are prevented from entering the voting area until all ballots have been secured as provided herein.

- c. The election officials, as soon as the polls are closed, shall cause both certified copies of the checklist to be examined and the number of voters checked as having voted to be tallied. Both tallies shall be recorded by the election officials. The election officials shall prepare a statement listing any discrepancies between the checklists, including the names involved and other details relating to the discrepancies. Each checklist shall be identified as either the “entrance” or “exit” checklist.
- d. After the closing of the polls, the election officials shall cause the unopened ballot boxes from each member district, together with a statement of any discrepancies in the list of absentee voters to be sealed and delivered to the Moderator, together with any spoiled or unused ballots.
- e. The moderator shall designate the place and the manner in which the votes are to be counted and designate the election officials required to count the votes.
- f. At the place designated by the Moderator, the Moderator shall open the ballot boxes, shall intermix all Questions Ballots before counting and shall distribute the ballots among election officials for counting.
- g. Upon completion of the counting of all ballots, the Moderator shall declare the results of the voting.
- h. The packages of ballots, tally sheets and checklists from each polling place shall then immediately be sealed and delivered to the Clerk.
- i. Except as provided below, all ballots, tally sheets, entrance and exit checklists and absent voters lists held by the Clerk shall be destroyed at the expiration of thirty (30) days after the election.

13. Procedure for Recounts

- a. If any person for whom a vote was cast and recorded shall, before the expiration of fifteen (15) days from the close of the meeting, apply in writing to the Clerk for a recount of the ballots, the Clerk shall appoint a time for the recount not earlier than seven (7) days nor more than ten (10) days after the receipt of said application.
- b. The Clerk shall issue an order of notice specifying the office for which the recount has been requested and the date, time and place of the recount, and shall order the applicant to give notice thereof by having it published in a newspaper in general circulation in the interstate district and by giving each of the opposing candidates, or leaving at his/her place of abode, a copy of the application and order of notice at least five (5) days prior to the day so appointed for the recount of ballots. No other notice shall be required. The applicant for recount shall pay to the Clerk, for the use of the District, a fee of Ten Dollars (\$10.00).



- c. At the time and place specified in the order of notice, the Clerk shall openly and publicly break the seal of and open the packages in which the ballots of said meeting are kept and thereupon the ballots shall be recounted by the Clerk, the Moderator and a majority of the Board of School Directors who shall constitute the Board of Recount. However, a person who is a candidate for the office which is the subject of the recount shall not be a member of the Board of Recount.
- d. Upon the conclusion of the recount, the Clerk shall replace the ballots into the containers from which they were removed and shall reseal the containers, marking on the seal the date when and the reasons why it was opened and examined. The Clerk shall retain the ballots until the expiration of thirty (30) days from the date of the meeting, after which they shall be destroyed unless some action is then pending which makes their further preservation necessary or unless enjoined by action of a court of competent jurisdiction.
- e. If in the case of a recount of votes it shall appear that a person has been elected other than the person determined by the original count, the Board of Recount shall declare such person elected and shall, after five (5) days from such declaration, if no appeal is taken, certify such result to the Clerk. The Clerk shall record the certificate and the person so declared by the Board of Recount to have been elected shall, unless the result is changed upon appeal to the court, be the person duly elected to the office.
- f. A voter may demand a recount of ballots on any question submitted to the district meeting on the Questions Ballot if the margin by which the question is passed or failed is less than 5% of the total votes cast on the question. The request shall be filed with the District Clerk within ten (10) days after the vote. The procedure shall be the same as in the recount of votes cast for a candidate at the election. The petitioner and his or her designated representative and a voter representing the other side of the question voted on and his or her designated representative may inspect the vote and observe the recount under the guidance of the Board of Recount.

14. Authorization to use Voting Machines

- a. The Moderator, Clerk, and election officials are authorized to use for any election or vote by Australian ballot any voting machine which has been approved for use by any of the Towns within the interstate district.
- b. Any procedures herein which are inconsistent with the use of voting machines shall not be in effect when a voting machine is used. Specifically, and without limiting the generality of the previous sentence, the following shall not be in effect when a voting machine is used:
  - (1) Sections 6.d., 6.e., 6.f., and 6.g., insofar as they require voters to mark a cross (X) or a checkmark (✓) in a box on the ballot;

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- (2) Section 10.m., insofar as it requires the voter to fold the ballot;
  - (3) Sections 10.m., and 12.g., insofar as they require the use of an exit checklist;
  - (4) Sections 12.f., insofar as it requires the distribution of ballots to and the counting of individual ballots by election officials; and
- c. Any recount of a vote which was counted initially by a machine shall be a manual recount.



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*Present*

**Rivendell**

**Articles of Agreement**

**August 19, 1998**

ARTICLES OF AGREEMENT

FOR

PROPOSED

RIVENDELL INTERSTATE SCHOOL DISTRICT

COMPRISING  
SCHOOL DISTRICTS OF

FAIRLEE, VERMONT  
ORFORD, NEW HAMPSHIRE  
VERSHIRE, VERMONT  
WEST FAIRLEE, VERMONT

IN ACCORDANCE WITH

NEW HAMPSHIRE - VERMONT INTERSTATE SCHOOL COMPACT

APPROVED BY

INTERSTATE DISTRICT PLANNING COMMITTEE  
JULY 9, 1998

NEW HAMPSHIRE STATE BOARD OF EDUCATION  
AUGUST 17, 1998

VERMONT STATE BOARD OF EDUCATION  
AUGUST 18, 1998

SUBMITTED TO

VOTERS IN THE SCHOOL DISTRICTS OF  
FAIRLEE, ORFORD, VERSHIRE AND WEST FAIRLEE

AT DISTRICT MEETINGS ON

OCTOBER 13, 1998

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RIVENDELL INTERSTATE DISTRICT PLANNING COMMITTEE

TABLE OF CONTENTS

Article	Subject	Page
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A	Name of District	1
B	Member Districts	1
C	School Board Members and Other District Officers	1
D	Responsibility for Grades	2
E	Description of Properties to be Acquired	2
F	Apportionment of Operating Expenses	3
G	Assumption of Indebtedness	4
H	Apportionment of Capital Expenses	4
I	Allocation of State Aid	4
J	Amendments to Articles of Agreement	4
K	Date of Operating Responsibility	5
L	Transportation of Students	5
M	Designation of Interim School Board	5
N	Program of Studies, Student Assessment, Standards	6
O	Special Education	6
P	Tuition Students	7
Q	Student Count for Vermont Students in Grades 11 & 12	7
R	Transitional Provisions Regarding Teachers	7
S	Professional Audit of Financial Records	8
T	Conduct of Meetings	8
U	Annual Meeting	8
V	Administrative and Supervisory Jurisdiction	9
W	Duration	9
App. A	Election Procedures	10
App. B	Calculation of Share of Debt Service	17
	Signature Page	18

ARTICLES OF AGREEMENT  
AMONG  
FAIRLEE, ORFORD, VERSHIRE AND WEST FAIRLEE  
IN ACCORDANCE WITH  
NEW HAMPSHIRE-VERMONT INTERSTATE SCHOOL COMPACT  
("THE COMPACT")

- A. NAME: The name of the interstate school district shall be the Rivendell School District ("Interstate District").
- B. MEMBER DISTRICTS: The member districts which shall be combined to form the Interstate District are: Fairlee, Vershire and West Fairlee in Vermont and Orford in New Hampshire. Other school districts seeking to become member districts of the Interstate District may petition the Commissioners of Education in New Hampshire and Vermont for membership in accordance with Article IX Section A(a) of the New Hampshire-Vermont Interstate School Compact. Such a petition may specify either the full K-12 range of grades to be included or a portion thereof.
- C. SCHOOL BOARD MEMBERS AND OTHER DISTRICT OFFICERS: The Interstate District School Board shall consist of eleven (11) members, three (3) of whom shall be residents of Fairlee, three (3) of whom shall be residents of Orford, two (2) of whom shall be residents of Vershire and two (2) of whom shall be residents of West Fairlee. Ten of the eleven members from the above specified districts shall serve for three-year terms, except that at the time of the first election terms will be staggered, so that one member from Fairlee, one member from Orford and one member from Vershire shall be elected for three year terms, one member from Fairlee, one member from Orford, one member from Vershire and one member from West Fairlee shall be elected for two-year terms, and one member from Fairlee, one member from Orford and one member from West Fairlee shall be elected for one-year terms. The eleventh (11th.) member of the Interstate District School Board shall be elected at large for a one-year term and this member shall be a resident of either Fairlee, Orford, Vershire or West Fairlee. This apportionment is based on 1990 census distribution of population among the four towns. If such distribution were to change in a future decennial census, the apportionment formula could be adjusted, in accordance with the 1 person-1 vote principle, through amendment to the Articles of Agreement. The District Elections shall be held each year on the same day and at the same location as the annual Interstate School District Meeting. At the organizational

meeting of the Interstate District, a moderator, clerk, treasurer, and three (3) auditors shall be elected to serve until the first annual district meeting. At the first annual district meeting, in addition to the election of eleven (11) school board members, a moderator, clerk, treasurer, and three (3) auditors shall be elected. The auditors shall be elected for staggered one, two, and three year terms provided that not all three auditors may be residents of the same state. Thereafter, each year the moderator, clerk, treasurer, and the one at large school board member shall be elected for one-year terms, while the requisite number of resident school board members and an auditor shall be elected for three-year terms. Each year any unexpired term shall also be filled by election. All voters shall elect the moderator, clerk, treasurer, auditors, and the at-large school board member, while only Fairlee residents elect Fairlee school board members, only Orford residents elect Orford school board members, only Vershire residents elect Vershire school board members and only West Fairlee residents elect West Fairlee school board members. Newly elected school board members and district officers shall take office immediately following the adjournment of the annual district meeting, but in no case later than July 1. The filing of candidacies in advance of election and the conduct of elections by ballot shall be governed in accordance with procedures set forth in Appendix A of these Articles of Agreement.

- D. **RESPONSIBILITY FOR GRADES:** The Interstate District shall be responsible for the education of students from Kindergarten through Grade 12. The school board of the Interstate District may also choose to extend its services to pre-school students and adult students. The school board is further authorized to consider enrichment programs, including, but not limited to, programs extending beyond the school day and to form consortia with other schools and educationally related enterprises to provide a wider range of educational opportunities.
- E. **DESCRIPTION OF PROPERTIES TO BE ACQUIRED:** The properties of the Interstate District shall consist initially of: the building commonly known as Fairlee Elementary School, together with the approximately 5.6 acres upon which the Fairlee Elementary School and related outdoor facilities are located; the Orford School building complex commonly known as the elementary wing, Memorial Hall, and the Academy building, together with the approximately 26 acres upon which the Orford School building complex and related outdoor facilities are located; the building commonly known as the Vershire Elementary School, together with the approximately 10 acres upon which the Vershire Elementary School and related outdoor facilities are located; and the building commonly known as the West Fairlee Village School, together with the approximately 4 acres upon which the West Fairlee Village School and related outdoor facilities are



located. In all cases properties described here include all equipment, related outdoor facilities, temporary buildings , and supplies related to these school buildings and sites. These properties delineated above shall be purchased by the Interstate District from each of the Fairlee, Orford, Vershire and West Fairlee Districts upon payment of one dollar (\$1.00) to each of the four districts. Such transfers shall take place upon the date on which the Interstate District assumes responsibility for the education of students, except that the Interstate School Board may supervise renovation and construction of facilities upon the aforementioned school sites as of the date of the establishment of the Interstate District. In recognition of the Orford Academy Building's historical architectural character and its listing on the National Register of Historic Places, any exterior changes to the building shall require advance approval from the members of the Interstate Board representing Orford in consultation with the New Hampshire Division of Historical Resources, or the successor state agency responsible for historic preservation.

- F. APPORTIONMENT OF OPERATING EXPENSES: Net operating expenses of the Interstate District shall be apportioned among the four member school districts in the proportion that the average daily resident membership from each member district for the first forty school days of the preceding school year bears to the total resident average daily membership of the Interstate District for the first forty school days of the preceding school year. For the first school year where no students were enrolled in the schools of the Interstate District during the preceding school year, net operating expenses of the Interstate District shall be apportioned among the member districts in the proportion that the average daily resident membership for which an individual member district assumed the expense during the first forty school days of the preceding school year bears to the total average daily resident membership for which all four member districts assumed the expense during the first forty school days of the preceding school year. Interstate District "net operating expenses" are defined as total district expenditures less capital expenditures less federal aid, grants, tuition payments, and other revenue sources designated specifically for the Interstate District less expenditures charged specifically in the Articles of Agreement to any one of the four member school districts. "Average daily resident membership" of a school district in any school year means the average enrollment of students who are residing in the district and are attending schools at district expense during the first forty school days of any school year. Wards of the state or state placed students are included within this definition, but not included within this definition are students for whom the member district pays tuition to a private, independent, or public school for a special education program. The Interstate District School Board

shall determine the schedule of payments to be made annually by the member districts.

- G. **ASSUMPTION OF INDEBTEDNESS:** Capital debts incurred by any member district prior to the formation of the Interstate District shall remain the responsibility of the individual member district.
- H. **APPORTIONMENT OF CAPITAL EXPENSES:** Capital expenses shall be apportioned in the same manner as operating expenses except as provided herein. When initial aid has been received for the benefit of a member district and used to reduce the amount of borrowing for a capital project, that member district's share of the capital expenses for the project shall be reduced annually so that the member district receives the full benefit of the initial aid and the other members receive none of the benefit of the initial aid. The share of capital expenses for a capital project of a member district for whom initial aid is received shall be calculated each year as set forth in Appendix B.
- I. **ALLOCATION OF STATE AID:** Unless otherwise provided by law or this Agreement, state aid shall be received by the Interstate District and be credited to the member district generating the aid to reduce the portion of the member district's operating and capital expenses to be raised by local taxation within the individual member district. As stated in Article H above, any initial state aid for a capital project received by a member district shall be used to reduce that member district's share of the total amount of money which needs to be borrowed for completion of such project.
- J. **AMENDMENTS TO ARTICLES OF AGREEMENT:** These Articles of Agreement may be amended by the voters of the Interstate District, as provided by Article IX of the New Hampshire - Vermont Interstate School Compact, by the following procedure:
  - (1) Amendments may be proposed by either the Interstate District School Board or upon written application of at least ten (10) per cent of the voters in the Interstate District presented to the School Board or to one of its members at least one hundred and twenty (120) days before the date of an annual district meeting.
  - (2) The School Board shall cause a notice of a public hearing concerning the adoption of the proposed amendment and shall have the text of the proposed amendment published in at least one newspaper having general circulation in the district at least ten (10) days before such hearing which in turn shall be held at least ninety (90) days before the annual district meeting.
  - (3) After the hearing a copy of the proposed amendment shall be submitted to each State Board for consideration.

(4) If approved by each State Board, the text of the proposed amendment shall be included as an appropriate article in the warrant for the annual district meeting.

(5) The proposed amendment as printed in the warrant may not be amended further by the voters at the annual district meeting.

(6) The question of adopting the proposed amendment shall be voted by secret written ballot with the use of the checklist after reasonable opportunity for debate in open meeting.

(7) An affirmative vote of 2/3 of those present and voting at the interstate district meeting shall be required for adoption of the amendment.

(8) Proposed amendments to the Articles of Agreement shall be considered only at annual interstate district meetings.

- K. **DATE OF OPERATING RESPONSIBILITY:** The Rivendell School District will become a body corporate and politic with all the powers granted to Interstate District under the New Hampshire - Vermont Interstate School Compact upon approval of these Articles of Agreement by the State Boards of Education of New Hampshire and Vermont and upon a majority vote in favor of the establishment of the Interstate District in special school district meetings in each town. The voters of the Interstate District will be asked to raise funds for renovation of present buildings and construction of new facilities at a meeting of the Interstate District to be held prior to July 1, 1999. The member districts will remain responsible for the education of students until July 1, 2000, at which time the Interstate District will assume operating responsibility. The Interstate District shall have the power to vary these dates by vote as circumstances may require.
- L. **TRANSPORTATION OF STUDENTS:** The responsibility for and the cost of transportation of a student to and from home and school and to and from school and the area vocational center, and any state aid for such transportation shall accrue to the member school district in which the individual student resides, unless by vote at a future district meeting such responsibility and/or cost allocation is shifted to the interstate district. The Interstate School District shall provide transportation and assume costs for any school related activities such as field trips or athletics as the School Board of the Interstate District determines is appropriate.
- M. **DESIGNATION OF INTERIM SCHOOL BOARD:** The following eleven (11) persons are nominated as the Interim School Board for the Interstate District. They shall be deemed to be elected upon the approval of these Articles of Agreement and the formation of the Interstate District. Unless re-elected in accordance with provisions of these Articles of Agreement, as specified in Article C above, they

shall serve only until final adjournment of the first annual Interstate District meeting, but in no case later than July 1, 1999.

Name: Allen Avery	Residence: Fairlee
Gay-C Gahagan	Fairlee
Deborah Johnson	Fairlee
Louise Richardson	Fairlee
Bethany Miller	Orford
Douglas Tifft	Orford
Sally Tomlinson	Orford
Barbara Griffin	Vershire
Dale Ricker	Vershire
Brenda Blair	West Fairlee
Bradley Phelps	West Fairlee

- N. PROGRAM OF STUDIES, STUDENT ASSESSMENT AND MINIMUM STANDARDS: The Interstate District will offer the program of studies, assess student performance, and meet or exceed the minimum educational standards required by both states insofar as practicable. In those instances where it is not practicable to comply with the procedures, regulations, and administrative practices of both states in such matters, the Interstate District will seek from the commissioners of education of New Hampshire and Vermont an administrative agreement or agreements pursuant to Article XIII.G. of the Compact to resolve the conflicts between the procedures, regulations, and administrative practices of the two states.
- O. SPECIAL EDUCATION: New Hampshire law shall govern the provision of educational services for all students attending schools in New Hampshire, and Vermont law shall govern the provision of educational services for all students attending schools in Vermont. The cost of educating students with disabilities under the Individuals with Disabilities Education Act (IDEA) or under Section 504 of the Rehabilitation Act of 1973 and the state and federal regulations and statutes pertaining thereto who attend a school in the district for part or all of the school day shall be paid for by the Interstate District, but each member district shall receive the aid payable on account of its resident students. Notwithstanding the above, out-of-district educational placements shall be governed by the law and regulations of the student's resident state. The cost of such out-of-district educational placements shall be borne by the member school district in which the individual student resides to the extent that that member school district receives aid for such placements. The Interstate District shall bear the remainder of the cost of such out-of-district placements. Subject to the foregoing, special education services shall be provided in accordance with such standards as are approved from time to time for

the Interstate District by the Vermont and New Hampshire State Boards of Education.

- P. TUITION STUDENTS: The Interstate District may accept tuition students consistent with law on such terms as the Interstate District School Board may determine are in the best interest of the Interstate District.
- Q. STUDENT COUNT FOR VERMONT STUDENTS IN GRADES 11 & 12: Any of the Vermont member districts may choose to continue to pay tuition during the first and second school years of the Interstate District's operation for any eleventh and twelfth grade students who wish to complete their program at the high school they are attending. For the second school year where eleventh and twelfth grade students residing in Fairlee, Verhire, or West Fairlee may have been attending schools outside the Interstate District at individual member district expense during the preceding school year, the count of those students shall not be included in the average daily resident membership of the individual member district. For the third school year where twelfth grade students residing in Fairlee, Vershire, or West Fairlee may have been attending schools outside the Interstate at individual member district expense during the preceding school year, the count of those students shall not be included in the average daily resident membership of the individual member district.
- R. TRANSITIONAL PROVISIONS REGARDING TEACHERS: The following transitional provisions apply to the rights and obligations of the Interstate District with respect to teachers employed by the member districts.
- (1) The Interstate District, upon assuming operating responsibility, shall assume the obligations of the collective bargaining agreements between the member districts and their respective teacher associations, including any provisions that address the transition to the Interstate District.
  - (2) For purposes of negotiating a successor to those agreements with its teachers, the Interstate District, pursuant to RSA 273-A under New Hampshire law and 16 V.S.A. Chapter 57 under Vermont law, agrees:
    - (a) To negotiate with the association chosen by the teachers
    - and (b) To commence such negotiations on or before October 1 of the year before it assumes operating responsibility.
  - (3) If such negotiations are not completed by the start of the first school year of operating responsibility, the Interstate District shall maintain the status quo, as that term is applied by the relevant state's case law, in the terms and conditions of employment of each Interstate District teacher as follows:

(a) For a teacher employed by a member district, those found in the collective bargaining agreement most recently in effect in the member school district in which that teacher was employed the prior year.

(b) For a teacher newly hired by the Interstate District, those found in the collective bargaining agreement most recently in effect in the member district in which the teacher's school is located.

(4) The Interstate District shall retain as its teachers the teachers in the four member districts conditioned on individual compliance with contract and statutory performance standards and on any reduction in force the Interstate District may implement. Except as may be affected by its successor to member district collective bargaining agreements, the Interstate District shall carry forward the seniority and benefits, such as sick days and other leaves, individual teachers will have accrued during their tenure in the member districts.

(5) The Interstate District's obligations under this Article are conditional upon the adoption by member districts' teacher associations of amendments to the current collective bargaining agreements with their respective school boards providing:

(a) A uniform reduction in force and recall procedure for use by the Interstate District for the first school year in which it assumes operating responsibility.

(b) a release of the member districts from all obligations under the respective collective bargaining agreements, including the obligation to rehire teachers, as of the time those obligations are assumed by the Interstate District.

- S. PROFESSIONAL AUDIT OF FINANCIAL RECORDS: A certified public accountant shall be employed each year by the Interstate District School Board to assist the elected Auditors in the performance of their duties.
- T. CONDUCT OF MEETINGS: Except as provided in the Compact or these Articles of Agreement, the voters of the Interstate District shall vote at District Meetings as one body irrespective of the member districts of which they are resident, and a simple majority of those present and voting shall carry the vote. Vermont law shall prevail in the conduct of all district meetings, school board meetings, and committee meetings, whether such meetings are held in New Hampshire or Vermont.
- U. ANNUAL MEETING: The date of the Annual Meeting of the Interstate District shall be established at the Organization Meeting of the District. Unless otherwise voted at the Annual Meeting, the

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location of the Annual Meeting shall be rotated annually between Fairlee and Orford.

- V. ADMINISTRATIVE AND SUPERVISORY JURISDICTION: Subject to the approval of both the New Hampshire and Vermont State Boards of Education, the School Board of the Interstate District shall have the authority to determine how the services of Superintendent of Schools and central and administrative supportive services are provided for the Interstate District.
- W. DURATION: The duration of the Interstate District is intended to be perpetual and present law provides no method to dissolve the Interstate District. However, in the event of the dissolution of the Interstate District, unless otherwise provided by law, all of the assets of the Interstate District shall be transferred to the Fairlee, Orford, Vershire and West Fairlee School Districts. The land, buildings and fixed equipment shall be transferred to the town school district in which the asset is located. Any other assets and the Interstate District's existing debt shall be divided among the Fairlee, Orford, Vershire and West Fairlee School Districts in proportion to the average daily resident membership from each district for the full school year preceding the date of dissolution.

APPENDIX A  
to  
Articles of Agreement of the  
Rivendell Interstate School District

Election Procedures

1. The election of school board members, moderator, clerk, treasurer and auditors of the Interstate District shall take place each year on the same date and at the same location as the annual Interstate School District meeting.
2. The school board shall post a special warrant for the election of school district officers prescribing the place, day and hours of the election in at least one public place in each member district at least 20 days (not counting the date of posting and the date of election) before the date of the earliest election. In addition, the school board shall cause such special warrant to be advertised in a newspaper of general circulation in the District on at least one occasion, such publication to occur at least 10 days (not counting the day of publication and not counting the date of the election) before the date of the first election. The school board may give such further notice of the election as it deems appropriate under the circumstances.
3. The school board shall designate an office space with a mailing address to be used by the Interstate District Clerk for the purpose of performing the duties of the clerk under these election procedures.
4. The Clerk shall designate in writing to the school board the name of one or more assistants to be generally present at the office of the Clerk. The designated assistant(s) acting under the supervision and control of the Clerk shall have the authority to perform the duties of the Clerk under these election procedures.
5. All candidates for school district officers to be elected by the voters shall file their declaration of candidacy with the Clerk.
6. Declarations of candidacy shall be filed on a form supplied by the Clerk in substantially the following form:

"I, \_\_\_\_\_, declare that I reside in the Town of \_\_\_\_\_, and that I am a qualified voter therein; that I am a candidate (check one)

☐ For the school board of the Rivendell Interstate School District as a member for a \_\_\_\_\_ year term, and I request that my name be printed on the ballot of the Rivendell Interstate School District.

☐ For the office of \_\_\_\_\_ (indicate whether moderator, clerk, treasurer, or auditor) and I request that my name be printed on the ballot of the Rivendell Interstate School District.



7. There shall be no filing fees.
8. The filing period shall be no earlier than forty-five (45) days before and no later than 5:00 p.m. on the twenty-fifth (25th) day before the date of the first election in the Interstate District. The number of days herein shall not include the date of filing or the date of the election.
9. Except as provided below, voter eligibility shall be determined from a check list of eligible voters prepared by the Boards of Civil Authority for the Towns of Fairlee, Vershire, and West Fairlee and the Supervisors of the Check List for the Town of Orford.
10. The Interstate District Moderator shall, in coordination with local election officials, have the overall responsibility for supervising election officials, the polling places and voting procedures as to the election of the school district officers of the Interstate District.
11. The Moderator shall appoint a sufficient number of qualified voters from each of the member districts to serve as election officers of the Interstate District in the polling place.
12. Such election officers shall have charge of the polling place under that supervision and control of the Moderator with respect to the election of school district officers.
13. The duties of the election officers shall be preparation of the polling place and voting equipment, opening and closing the polls, securing all ballots, maintaining order at the polls, and otherwise assuring that the election is conducted according to law, the articles of agreement and these election procedures.
14. The Clerk shall prepare the ballot and shall cause such number of ballots to be printed as the school board shall designate.
15. The ballot shall be entitled "OFFICIAL BALLOT FOR THE RIVENDELL INTERSTATE SCHOOL DISTRICT" followed by the date of the election and a facsimile signature of the Clerk who prepared the ballot. Immediately below, the following instruction shall be printed: "Instructions to Voters: To vote for a person whose name is printed on the ballot, mark a cross (X) in the square at the right of that person's name. To vote for a person whose name is not printed on the ballot, write the person's name on the blank line in the appropriate block and mark a cross (X) in the square at the right of that person's name."
16. Each office to be voted upon shall be separately indicated and preceded by the word "For." Beneath the office to be voted upon shall appear the instructions: "Vote for not more than \_\_\_\_\_ (the number of candidates to be elected)." The names of the candidates for each office shall be listed in alphabetical order by surname followed by the candidate's town of residence. To the right of the name shall be a square at least

1/4" on each side in which the voter may indicate his/her choice by marking a cross (X).

17. Following the names of the candidates for each office, there shall be as many blank lines as there are persons to be elected to that office. To the right of each such line shall be the words "Write-In" and a square identical to the squares which follow the candidates' names.
18. The Clerk shall store the ballots, except for ballots used as absentee voter or sample ballots, in a secure place, until the day of the election, at which time he/she shall deliver them in sufficient quantities to the Moderator for distribution to the election officials in each polling place.
19. The Clerk shall prepare sample ballots for posting and publication by marking the words "SAMPLE BALLOT" prominently at the top of the official election ballot.
20. A sample ballot shall be posted at the polling place in the Interstate District and shall be published in a newspaper in general circulation in the Interstate District prior to the date of the election each year.
21. A sample ballot with a certificate thereon, verified by oath, stating the time and place, when and where copies of the sample ballot were posted and published, shall be given to the Moderator at or before the date of the election and shall be recorded by the Clerk in the Interstate District records.
22. Election officials may carry a ballot to a handicapped or elderly person in order to permit that person to mark the ballot while in a motor vehicle adjacent to the polling place.
23. The polls for voting for school district officers of the Interstate District shall be open from at least two hours prior to the annual district meeting until one hour following the close of the meeting, but in no case later than 10:00 p.m.
24. A voter who expects to be absent on the date of the election or an authorized person in his/her behalf may apply for an absentee voter ballot not later than 12:00 Noon of the day preceding the date of the election.
25. All applications shall be filed with the Clerk. The Clerk shall retain the applications for 90 days following the election, at which time they may be destroyed.

26. The application shall be substantially in the following form:

#### REQUEST FOR ABSENTEE VOTER

Name of absentee voter: \_\_\_\_\_  
Current Address: \_\_\_\_\_  
Residence (if different) \_\_\_\_\_

If applicant is other than absentee voter:

Name of applicant: \_\_\_\_\_  
Address of applicant: \_\_\_\_\_

Relationship to absent voter: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

27. If the Clerk finds an application for an absentee voter ballot to be invalid or incomplete, he/she shall immediately notify the person making the application, either personally or by mail, stating the ground on which the same is found to be invalid. The application shall not be valid until corrected and returned to the Clerk.
28. A voter who expects to be absent on the date of the election may apply in person to the Clerk for the absentee ballot and envelope rather than having them mailed. In such case, the Clerk shall furnish the absentee ballot and envelope when a valid application has been made.
29. Absentee ballots shall be the same as the official ballots to be used at the election.
30. Unless the absentee voter is furnished a ballot in the Clerk's office, the Clerk shall mail an absentee ballot to each absentee voter for whom a valid application has been filed. The absentee ballots shall be mailed forthwith upon the filing of a valid application, or upon the Clerk's receipt of the necessary ballots, whichever is later.
31. The clerk shall send or furnish with all absentee ballots and envelopes printed instructions, which may be included in the envelope, in substantially the following form:

#### INSTRUCTIONS FOR ABSENTEE VOTERS

1. Mark the ballot.
2. Seal it in the envelope.
3. Fill out and sign the certificate on the envelope.

4. Mail or deliver the sealed envelope containing the ballot to the District Clerk in time to arrive no later than the date upon which the polls are open.

**BE SURE TO FILL OUT AND SIGN THE CERTIFICATION THIS ENVELOPE OR YOUR VOTE WILL NOT COUNT!**

32. There shall be printed on the face of the envelope provided for use in returning absentee ballots a certificate in substantially the following form:

Absentee Vote Ballot of \_\_\_\_\_  
(print your name)

\_\_\_\_\_, solemnly swear that I am a duly qualified voter of the Town of \_\_\_\_\_; that I am unable to vote in person by reason of illness, injury, physical disability, religious principle, military service, or necessary absence from my town of residence during the hours the polls are open; that I have carefully read the instructions forwarded to me with the ballot herein enclosed; and that I personally marked the within ballot and enclosed and sealed it in this envelope.

(Signature) \_\_\_\_\_

33. From the valid applications, the Clerk shall compile a list of absentee voters. The list shall include each absentee voter's name and address and such other information as the Clerk may deem necessary or advisable.
34. Upon receipt of an envelope containing the marked ballot of an absentee voter, the Clerk shall record the fact on the list of absent voters and safely keep the envelope, unopened, until the day of the election. During the hours polls are open, the Clerk shall deliver the envelope to the Moderator for distribution to the election officials in the polling place where the absentee voter would have voted if/she had voted in person.
35. A copy of the list of absentee voters shall be posted in the polling place prior to the opening of the polls and shall remain posted until the polls are closed. When envelopes containing marked ballots are received after the list is posted, that information shall be added promptly to the list.
36. Upon receipt of the absentee voter's ballots, the election officials shall examine the check list and ascertain that the absentee voter is qualified to vote, that he/she has not already voted in person and that the certificate is properly filled out. When the election officials are satisfied that these conditions have been complied with, they shall open the envelope containing the ballot, and without unfolding the ballot, shall have the proper election official place a mark on the entrance and exit checklist indicating the fact that the voter has voted by means of an absentee voter ballot, and shall deposit the ballot in the ballot box. Such absentee ballots shall be commingled with the ballots of voters who have in person, and thereafter be treated as those ballots are treated.

37. If upon examination by election officials it shall appear that the absentee voter is not legally qualified to vote, or has voted in person or that the affidavit on any envelope is insufficient, such envelope shall be marked "Defective", and the ballot inside shall not be counted and shall be returned in the unopened envelope to the Moderator.
38. Any person who in good faith has received an absentee ballot for his/her use but has not yet marked it, if he/she finds that he/she is able to vote in person, may cast the absentee ballot by returning it to the Clerk in the manner provided above, or may vote in person after returning the unmarked ballot, together with the envelope intended for its return, to the election officials at the time the voter appears to vote in person. The election officials shall make a record of its return on the list of absent voters posted at the polling place and shall return the unused absentee ballot and envelope to the Moderator, who shall treat it as a spoiled or unused ballot.
39. Absentee ballots received by the Clerk after the closing of the polls shall not be counted. Such ballots shall be retained by the Clerk unopened until the time set for the destruction of other ballots at which time the envelope shall likewise be destroyed unopened and unexamined.
40. The ballot boxes shall not be opened nor the ballots counted before the closing of the polls.
41. When the hours set for voting have expired, the election officials shall publicly announce that the polls are closed. They shall then ensure that all persons who are not election officials are prevented from entering the voting area until all ballots have been secured as provided herein.
42. The election officials, as soon as the polls are closed, shall cause both certified copies of the checklist to be examined and the number of voters checked as having voted to be tallied. Both tallies shall be recorded by the election officials. The election officials shall prepare a statement listing any discrepancies between the checklists, including the names involved and other details relating to the discrepancies. Each check list shall be identified as either the "entrance" or "exit" checklist.
43. After the closing of the polls and examination of the checklists, the election officials shall cause the unopened ballot box, the statement of any discrepancies and the list of absentee voters to be sealed and delivered to the Moderator together with any spoiled or unused ballots.
44. The ballot boxes from each of the member districts shall not be opened nor the ballots counted before the closing of the polls.
45. After the closing of the polls, the election officials shall cause the unopened ballot boxes from each member district, together with a statement of any discrepancies in the list of absentee voters to be sealed and delivered to the Moderator, together with any spoiled or unused ballots.

46. The moderator shall designate the place and the manner in which the votes are to be counted and designate the election officials required to count the votes.
47. At such time as the packages of ballots, tally sheets and checklists from each polling place have been duly collected, sealed and delivered to the Clerk, the Moderator shall declare the results of the voting.
48. Except as provided below, all ballots, tally sheets, entrance and exit checklists and absent voters lists held by the Clerk shall be destroyed at the expiration of thirty (30) days after the election.
49. If any person for whom a vote was cast and recorded shall, before the expiration of fifteen (15) days from the close of the meeting, apply in writing to the Clerk for a recount of the ballots, the Clerk shall appoint a time for the recount not earlier than seven (7) days nor more than ten (10) days after the receipt of said application.
50. The Clerk shall issue an order of notice specifying the office for which the recount has been requested and the date, time and place of the recount, and shall order the applicant to give notice thereof by giving each of the opposing candidates, or leaving at his/her place of abode, a copy of the application and order of notice at least five (5) days prior to the day so appointed for the recount of ballots. No other notice shall be required. The applicant for recount shall pay to the Clerk for the use of the Interstate District a fee of Ten Dollars (\$10.00).
51. At the time and place specified in the order of notice, the Clerk shall openly and publicly break the seal of and open the packages in which the ballots of said election are kept and thereupon the ballots shall be recounted by the Clerk, the Moderator and a majority of the school board who shall constitute the Board of Recount.
52. Upon the conclusion of the recount, the Clerk shall replace the ballots into the containers from which they were removed and shall reseal the containers, marking on the seal the date when and the reasons why it was opened and examined. The Clerk shall retain the ballots until the expiration of thirty (30) days from the date of the meeting, after which they shall be destroyed unless some action is then pending which makes their further preservation necessary or unless enjoined by action of a court of competent jurisdiction.
53. If in the case of a recount of votes it shall appear that a person has been elected other than the person determined by the original count, the Board of Recount shall declare such person elected and shall, after five (5) days from such declaration, if no appeal is taken, certify such result to the Clerk. The Clerk shall record the certificate and the person so declared by the Board of Recount to have been elected shall, unless the result is changed upon appeal to the court, be the person duly elected to the office.

## APPENDIX B

### CALCULATION OF THE SHARE OF DEBT SERVICE OF A MEMBER DISTRICT FOR WHOM INITIAL AID IS RECEIVED

The share of debt service for a capital project of a member district for whom initial aid is received shall be calculated each year as follows:

Step 1. Multiply (a) (that member district's percentage of total average daily membership as calculated that year for the purpose of apportionment of operating expenses) times (b) (what the total debt service would have been had no initial aid been received by any member district) to determine (c) (the amount of the member district's share of debt service would have been had no initial aid been received by any member district).

Step 2. Divide (d) (the amount of initial aid received by the member district to reduce borrowing) by (e) (what the total original debt would have been had no initial aid been received by any member district) to produce (f) (the proportion of the total original debt covered by the initial aid received by the district).

Step 3. Multiply (b) by (f) to produce (g) (the amount of the reduction in debt service for the member district because of the initial aid received by the district).

Step 4. Subtract (g) from (c) to produce (h) (the amount of the member district's share of the debt service for the year).

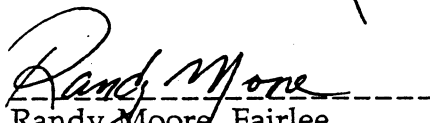
(The amount of debt service to be paid by a member district for whom no initial aid is received shall be that member's percentage of total average daily membership as calculated that year for the purpose of apportionment of operating expenses times (b) what total debt service would have been for the year if no initial aid had been received).

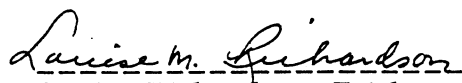


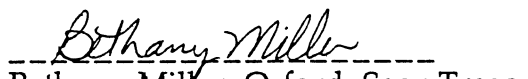


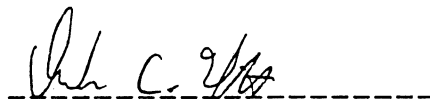
Approved by Rivendell Interstate District Planning Committee --July 9, 1998

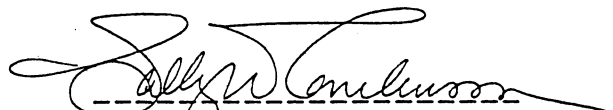
  
Allen Avery, Fairlee, Chair

  
Randy Moore, Fairlee

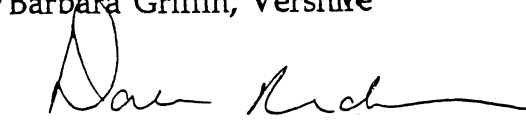
  
Louise Richardson, Fairlee

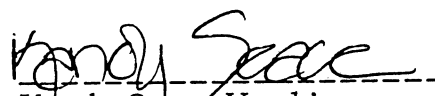
  
Bethany Miller, Orford, Secy-Treas.

  
Doug Tift, Orford

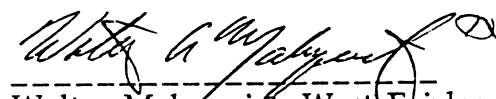
  
Sally Tomlinson, Orford

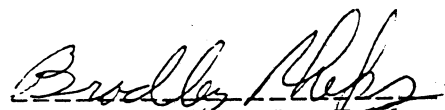
  
Barbara Griffin, Vershire

  
Dale Ricker, Vershire

  
Kandy Seace, Vershire

  
Brenda Blair, West Fairlee

  
Walter Malmquist, West Fairlee

  
Bradley Phelps, West Fairlee

RIVENDELL INTERSTATE DISTRICT PLANNING COMMITTEE